



Secretary for **Environmental Protection** 

## **Department of Toxic Substances Control**

Maureen F. Gorsen, Director 8800 Cal Center Drive Sacramento, California 95826-3200



June 19, 2007

Phil Perley Closed Sites Project Manager Waste Management 9081 Tujunga Ave Sun Valley, CA 91352

TRANSMITTAL OF DOCUMENTS RELATING TO THE NOTICE OF FINAL DECISION FOR THE POST-CLOSURE PERMIT FOR THE CHEMICAL WASTE MANAGEMENT BAKERSFIELD FACILITY. KERN COUNTY EPA ID NO. CAT000624056

Dear Mr. Perley:

The Department of Toxic Substances Control (DTSC) has made the final decision on renewal of the Post-Closure Permit for the Chemical Waste Management Bakersfield facility located at 27001 Round Mountain Road in Bakersfield, California, pursuant to California Code of Regulations, title 22, section 66271.14. The final Permit allows for the CWM Bakersfield Facility three alternatives to address the future of this site. These alternatives include:

- 1. Within 60 days of the effective date of the permit, submit a waste declassification notification pursuant to California Code of Regulations, title 22, section 66260.200: or
- 2. Within 60 days of the effective date of the permit, submit a work plan demonstrating the Facility will meet the closure by removal and decontamination standards of chapter 14 of division 4.5 of the California Code of Regulations, title 22; or
- 3. CWM shall follow the Special Conditions of the Draft Post-Closure Permit, which are included in Part V, 3. of the Final Post-Closure Permit

DTSC did not receive any comments on the Notice of Exemption for this post-closure permit decision, pursuant to the California Environmental Quality Act (CEQA). DTSC has found that the project will not have a significant effect on the environment.

The following documents are enclosed for your reference:

1. Notice of Final Post-Closure Permit Decision

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- 2. Final Post-Closure Permit (Permit)
- 3. CEQA Notice of Exemption
- 4. DTSC Response to Comments

As noted in the Notice of Final Post-Closure Permit Decision, the Permit will become effective on July 19, 2007. Also noted therein, is a description of the 30-day permit appeal process. Should you have any questions concerning this letter or need additional information, please contact Mr. Scott Ward, of my staff, at (916) 255-3581.

Sincerely,

James M. Pappas, P.E., Chief

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Northern California Permitting and Corrective Action Branch

cc: Nancy Long

Office of Legal Counsel

Department of Toxic Substances Control

P.O. Box 806

Sacramento, California 95812-0806

Wade Cornwell, Section Chief Northern California Permitting and Corrective Action Branch Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, California 95826

Scott Ward, Project Manager Northern California Permitting and Corrective Action Branch Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, California 95826

Patty Soulsby Northern California Permitting and Corrective Action Branch Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, California 95826

Shelton Grey Senior Engineering Geologist Phil Perely June 19, 2007 Page 3 of 3

Central Valley Region
California Regional Water Quality Control Board
1685 E Street
Fresno, California 93706





Linda S. Adams Secretary for Environmental Protection

## Department of Toxic Substances Control

Maureen F. Gorsen, Director 8800 Cal Center Drive Sacramento, California 95826-3200



June 19, 2007

## To Whom It May Concern:

In accordance with the requirements of California Code of Regulations (CCR), title 22, section 66271.14, the Department of Toxic Substances Control (DTSC) is issuing this Notice of Final Post-Closure Permit Decision (Notice) for the following facility:

Chemical Waste Management Bakersfield 27001 Round Mountain Road Bakersfield, CA 93308 Kern County EPA ID No. CAT 000624056

Chemical Waste Management (CWM) Bakersfield is a permanently closed hazardous waste disposal facility. The CWM Bakersfield facility has two hazardous waste management units known as the Eastern and Western Waste Management Unit. Enclosed within each of these waste management units are smaller individual land disposal areas which include nine surface impoundments, two landfills, and one land spreading area. All disposal areas are overlain by a closure cover which is constructed of 18 inches of compacted clay and 15 inches of top soil. Since the facility closed in 1988, DTSC has overseen CWM's post-closure operations and maintenance to ensure compliance with current permit requirements. DTSC issues post-closure permits for a 10 years, and is currently renewing the CWM Bakersfield post-closure permit.

On June 30, 2006, DTSC published a public notice in the Bakersfield Californian and ran a 30 second radio announcement on News Talk 1410 AM in Bakersfield regarding the CWM Bakersfield permit renewal. DTSC held a 45-day public comment period from June 30, 2006 to August 12, 2006 for the Draft Post-Closure Permit. Upon request, DTSC extended the public comment period until August 30, 2006. In three public repositories, DTSC placed documents which included a Fact Sheet, the Draft Post-Closure Permit, a post-closure findings report, and a California Environmental Quality Act (CEQA) Notice of Exemption during the public comment period. One hundred and nine comments were submitted to DTSC regarding information contained in the Fact Sheet, the Draft Post-Closure Permit, and the post-closure findings report. Neither a

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public meeting nor hearing was held during the public comment period as no such request was made of DTSC.

DTSC has prepared a Response to Comments (RTC) document and has made changes to the Draft Post-Closure Permit. The RTC and a copy of the Draft Post-Closure Permit are available for formal public review at the repositories listed at the end of this Notice.

The Final Post-Closure Permit for the CWM Bakersfield facility becomes effective on July 19, 2007 unless a review is requested through the appeal process pursuant to the California Code of Regulations (CCR), title 22, section 66271.18. Any person who filed comments on the Draft Post-Closure Permit may petition DTSC to review any conditions of the permit decision. Any person who failed to file comments or failed to participate in the public hearing (if applicable) for the Draft Post-Closure Permit may petition for administrative review only to the extent of the changes from the Draft to the Final Post-Closure Permit decision. The petition shall include a statement of the reasons supporting the review, including a demonstration that any issues being raised were raised during the pubic comment period (including any pubic hearing, if applicable), to the extent required by the regulations, and when appropriate, a showing that the condition in question is based on the following:

- 1. A finding of fact or conclusion of law which is clearly erroneous, or
- 2. An exercise of discretion or an important policy consideration which DTSC should, in its discretion, review.

A petition must be postmarked no later than July 19, 2007 and must be submitted to:

Watson Gin, Deputy Director Hazardous Waste Management Program Department of Toxic Substances Control P.O. Box 806 Sacramento, CA 95812-0806

A copy of the petition should also be sent to:

James M. Pappas, PE, Chief Northern California Permitting and Corrective Action Branch Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, CA 95826 Notice of Final Decision June 19, 2007 Page 3 of 3

In its role as a Responsible Agency under the provisions of the California Environmental Quality Act, DTSC has determined that the environmental documents prepared for the CWM Bakersfield facility adequately address potential impacts associated with the renewal of the Post-Closure Permit. DTSC will file a CEQA Notice of Exemption with the State of California, Office of Planning and Research, State Clearinghouse upon the effective date of the renewed permit unless an appeal is filed with DTSC prior to the effective date.

A copy of the complete administrative record for this permit decision is available for review at:

Department of Toxic Substances Control 8800 Cal Center Drive Sacramento, CA 95826 (Please come to the reception desk and ask to view a public notice in the file room.)

Copies of the Final Post-Closure Permit, Response to Comments, a list of final changes to the Draft Post-Closure Permit, and CEQA Notice of Exemption are also available for review at:

Department of Toxic Substances Control Fresno Office 1515 Tollhouse Road Clovis, CA 93611 Kern County Public Library 701 Truxtun Avenue Bakersfield, CA 93301

These documents are also available at DTSC's website: http://www.dtsc.ca.gov

DTSC would like to thank everyone who participated in this permitting process. Please bring this notice to the attention of all persons whom you know would be interested in this matter. If you have any questions, please contact Mr. Scott Ward of my staff at (916) 255-3581 or <a href="mailto:sward@dtsc.ca.gov">sward@dtsc.ca.gov</a>.

James M/Pappas, PE, Chief

Northern California Permitting and Corrective Action Branch

Hazardous Waste Management Program

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Date

thre 19, 2007